

**BILL NO. 92-47
AS AMENDED**

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 92-47 as amended

Introduced by Council President Wilson at the request of the County Executive

Legislative Day No. 92-16

Date: May 26, 1992

AN ORDINANCE to authorize and empower Harford County, Maryland to borrow or otherwise incur debt or financial obligations, ~~on its full faith and credit,~~ and issue and sell its notes, lease purchase agreements, installment sale obligations or certificates of participation, or other form of indebtedness or obligation therefor, in an amount not to exceed ~~Seven Million One Hundred Fifty Thousand Dollars (\$7,150,000)~~ principal amount Seven Million Three Hundred Sixty-Five Thousand Dollars (\$7,365,000), including principal, all lease and rental payments, penalties and additional lease or rental payments in the event that, pursuant to the terms of any lease purchase agreement,

By the Council, May 26, 1992

Introduced, read first time, ordered posted and public hearing scheduled

on: June 16, 1992

at: 6:00 PM

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 16, 1992, and concluded on June 16, 1992.

Doris Poulsen, Secretary

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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installment sale obligation or certificate of participation, the payments become taxable to the recipient, the proceeds thereof to be used to acquire certain equipment, motor vehicles, telephone systems, highway equipment, furniture, computer systems, and to finance replacement and repair of roofs for school buildings, during the year ending June 30, 1993 and as described in this Ordinance (collectively the "Projects"), or to replace financing or obligations previously incurred with respect to the Projects, in accordance with Section 520 and Section 524 of the Charter of Harford County ("Charter") and the Code of Harford County ("Code") or as otherwise permitted by law;

By the Council, May 26, 1992

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Secretary

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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providing that installment payments after June 30, 1993 shall be subject to the appropriation of funds necessary to make such payments; authorizing the County Council of Harford County, Maryland to adopt an administrative resolution(s) that shall provide for the form of instrument by which any indebtedness, lease purchase agreement, installment sale obligation, or financing obligation is to be evidenced, the manner by which any indebtedness, line of credit, financing lease, installment sale obligation, or similar obligation may be secured, the form of various documents as are necessary to implement the financing authorized herein, the manner of issuance and delivery

By the Council, May 26, 1992

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Secretary

EXPLANATION:

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of any evidences of indebtedness or obligation, and generally for such other matters as may be deemed appropriate by the County Council of Harford County, Maryland in connection herewith; and otherwise generally relating to the issuance, sale, delivery and payment of any such evidences of indebtedness or financing obligations; providing that such indebtedness may be issued upon the full faith and credit of Harford County, Maryland upon written recommendation of the County Executive of Harford County, Maryland and approved by resolution of the County Council of Harford County, Maryland; providing that with respect to the acquisition of personal property and roof replacement

By the Council, May 26, 1992

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Secretary

EXPLANATION:

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Date: May 26, 1992

for school buildings, the County Council of Harford County, Maryland may, by resolution, authorize the Board of Education of Harford County to issue its own obligations for such purposes; providing that certain additional matters may be determined by resolution of the County Council of Harford County, Maryland or may be reserved unto the County Executive as prescribed by such resolution; and generally relating to the acquisition of certain personal property and the replacement of roofs for school buildings.

By the Council, May 26, 1992

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Secretary

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 WHEREAS, Section 520 of the Charter of Harford County, Maryland
2 requires that any contract, lease or other obligation in excess of Three
3 Thousand Dollars (\$3,000) requiring the payment of funds from the
4 appropriations of a later fiscal year be authorized by legislative act; and

5 WHEREAS, Harford County, Maryland desires to acquire certain items
6 of tangible personal property as hereinafter described through installment
7 purchase or lease or a combination thereof; and

8 WHEREAS, Harford County, Maryland desires to enable the Board of
9 Education of Harford County, Maryland to acquire certain items of tangible
10 personal property for use in the educational system of Harford County,
11 Maryland; and

12 WHEREAS, Harford County, Maryland desires Harford Community
13 College to acquire certain items of tangible personal property for use by the
14 Harford Community College; and

15 WHEREAS, Harford County, Maryland desires to acquire certain
16 highway equipment for use in its Highway Maintenance Division; and

17 WHEREAS, Harford County, Maryland desires to acquire certain items
18 of tangible personal property and intangible property for use in the Solid
19 Waste Division of the Department of Public Works; and

20 WHEREAS, Harford County, Maryland desires to acquire certain
21 hardware and software related to computers compatible with the meters

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1 utilized by the Water and Sewer Division of the Department of Public Works;
2 and

3 WHEREAS, Harford County, Maryland desires to replace or modify the
4 existing financing for the acquisition of the Centrax telephone system by
5 Harford County, Maryland; and

6 WHEREAS, Harford County, Maryland desires to provide financing for
7 the replacement of roofs on school buildings in Harford County, Maryland;
8 and

9 WHEREAS, Harford County, Maryland desires to acquire the foregoing
10 tangible and intangible personal property through lease purchase agreements,
11 purchase agreements, installment sale obligations, financing, or refinancing,
12 pursuant to the Procurement Law for Harford County, Maryland, Chapter 41
13 of the Code of Harford County, Maryland.

14 NOW, THEREFORE, in accordance with the provisions of the Charter,
15 the Code and the Laws of the State of Maryland:

16 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF
17 HARFORD COUNTY, MARYLAND that Harford County, Maryland may incur
18 debt and execute leases, lease purchase agreements, notes, installment sale
19 obligations, and similar financing obligations (the "Documents") and make
20 payment pursuant to the Documents which payments may extend beyond the
21 fiscal year ending June 30, 1993, to acquire the property described in this

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1 Ordinance; provided, however, that installment payments after June 30, 1993
2 shall be subject to appropriation by the County.

3 SECTION 2. AND BE IT FURTHER ENACTED BY THE COUNTY
4 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,
5 Maryland shall acquire through lease purchase, payment to be made from the
6 General Fund of Harford County, Maryland, the tangible personal property
7 described in Schedule A attached hereto ~~in the principal amount not to exceed~~
8 ~~Two Million Two Hundred Seventy One Thousand Five Hundred Ten Dollars~~
9 ~~(\$2,271,510).~~

10 SECTION 3. AND BE IT FURTHER ENACTED BY THE COUNTY
11 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,
12 Maryland shall acquire through lease purchase, ~~with the funds of the Board~~
13 ~~of Education of Harford County, Maryland,~~ the tangible personal property
14 described in Schedule B attached hereto, ~~in a principal amount not to exceed~~
15 ~~One Million Ninety Nine Thousand Five Hundred Dollars (\$1,099,500),~~ such
16 assets shall be acquired on behalf of the Board of Education of Harford
17 County, Maryland; provided, however, upon Resolution approved by the
18 County Council of Harford County, Maryland, after recommendation of the
19 County Executive of Harford County, Maryland, the Board of Education of
20 Harford County, Maryland shall become the obligor in such lease purchase
21 agreements.

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1 SECTION 4. AND BE IT FURTHER ENACTED BY THE COUNTY
2 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,
3 Maryland shall acquire through lease purchase, ~~with the funds of the Harford~~
4 ~~Community College,~~ the tangible personal property described in Schedule C
5 attached hereto, ~~in a principal amount not to exceed Seven Hundred Fifty~~
6 ~~Thousand Dollars (\$750,000)~~ on behalf of Harford Community College;
7 provided, however, upon Resolution approved by the County Council of
8 Harford County, Maryland, after recommendation of the County Executive of
9 Harford County, Maryland, the Harford Community College shall become the
10 obligor in such lease purchase agreements.

11 SECTION 5. AND BE IT FURTHER ENACTED BY THE COUNTY
12 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,
13 Maryland shall acquire through lease purchase, ~~payment to be made from the~~
14 ~~Highway Funds of the Department of Public Works of Harford County,~~
15 ~~Maryland,~~ the highway maintenance equipment described in Schedule D
16 attached hereto, ~~in a principal amount not to exceed Four Hundred Nine~~
17 ~~Thousand Dollars (\$409,000);~~ such assets shall be acquired on behalf of the
18 Highway Maintenance Division of the Department of Public Works. ~~Payment~~
19 ~~of the obligations represented by the lease purchase shall be made pursuant~~
20 ~~to funds maintained in the Highway Fund of Harford County, Maryland.~~

21 SECTION 6. AND BE IT FURTHER ENACTED BY THE COUNTY

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1 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,
2 Maryland shall acquire through lease purchase, ~~payment to be made from the~~
3 ~~Solid Waste Enterprise Fund of Harford County, Maryland,~~ the equipment
4 described in Schedule E attached hereto, ~~in a principal amount not to exceed~~
5 ~~Three Hundred Seventy Nine Thousand Two Hundred Ten Dollars (\$379,210);~~
6 such assets shall be acquired on behalf of the Solid Waste Division of the
7 Department of Public Works of Harford County, Maryland. ~~Payment of the~~
8 ~~obligations represented the lease purchase shall be made pursuant to funds~~
9 ~~maintained in the Solid Waste Enterprise Fund of Harford County, Maryland.~~

10 SECTION 7. AND BE IT FURTHER ENACTED BY THE COUNTY
11 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,
12 Maryland shall acquire through lease purchase, ~~payment to be made from the~~
13 ~~Water and Sewer Debt Service Funds of Harford County, Maryland,~~ the
14 equipment described in Schedule F attached hereto, ~~in a principal amount not~~
15 ~~to exceed Six Hundred Thousand Dollars (\$600,000);~~ such assets shall be
16 acquired on behalf of the Water and Sewer Division of the Department of
17 Public Works of Harford County, Maryland. ~~Payment of the obligations~~
18 ~~represented the lease purchase shall be made pursuant to funds maintained~~
19 ~~in the Water and Sewer Debt Service Funds of Harford County, Maryland.~~

20 SECTION 8. AND BE IT FURTHER ENACTED BY THE COUNTY
21 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,

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1 Maryland is authorized to borrow or otherwise incur indebtedness by the
2 execution of notes or other obligations in an aggregate principal amount not
3 to exceed One Million One Hundred Thousand Dollars (\$1,100,000), plus
4 interest thereon, the proceeds thereof to be used to replace roofs on five (5)
5 school buildings in Harford County, Maryland. Upon Resolution of the County
6 Council of Harford County, Maryland, after written recommendation of the
7 County Executive of Harford County, Maryland, the Board of Education of
8 Harford County, Maryland may issue such indebtedness and be the primary
9 obligor for such debt.

10 SECTION 9. AND BE IT FURTHER ENACTED BY THE COUNTY
11 COUNCIL OF HARFORD COUNTY, MARYLAND that Harford County,
12 Maryland is authorized to replace or refinance existing indebtedness of
13 Harford County, Maryland in the aggregate principal amount of Five Hundred
14 Twenty-Five Thousand Dollars (\$525,000) incurred to acquire the Centrax
15 telephone system of Harford County, Maryland pursuant to Bill No. 91-77
16 enacted by the County Council of Harford County, Maryland on January 21,
17 1992 effective March 24, 1992.

18 SECTION 10. AND BE IT FURTHER ENACTED BY THE COUNTY
19 COUNCIL OF HARFORD COUNTY, MARYLAND that the acquisition or lease
20 of the assets described herein by or on behalf of Harford County, Maryland
21 and/or the agencies and departments of Harford County, Maryland described

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1 herein shall be made pursuant to the Procurement Law of Harford County,
2 Maryland, Chapter 41 of the Code of Harford County, and the Treasurer, or
3 his authorized deputy, is authorized and empowered to prepare and distribute
4 copies of documents describing Harford County, Maryland, the assets to be
5 acquired and/or the debt to be replaced or refinanced to any person who may
6 be interested in the financing described herein, or may request information
7 with respect thereto.

8 SECTION 11. AND BE IT FURTHER ENACTED BY THE COUNTY
9 COUNCIL OF HARFORD COUNTY, MARYLAND that, upon written
10 recommendation of the County Executive of Harford County, Maryland, the
11 County Council of Harford County, Maryland, may, by Resolution, authorize
12 that any one or more of the financial or other obligations described in this
13 Ordinance may be consolidated for the purpose of receiving bids, sale
14 negotiations, or other purposes.

15 SECTION 12. AND BE IT FURTHER ENACTED BY THE COUNTY
16 COUNCIL OF HARFORD COUNTY, MARYLAND that any such lease purchase
17 agreement, purchase, financing, or refinancing pursuant to this Ordinance
18 shall not be concluded until the terms thereof have been approved by
19 Resolution of the County Council of Harford County, Maryland upon written
20 certification of the Director of the Department of Procurement indicating that
21 the Procurement Law of Harford County, Maryland has been met with respect

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1 to such lease purchase agreement, financing, or refinancing.

2 SECTION 13. AND BE IT FURTHER ENACTED BY THE COUNTY
3 COUNCIL OF HARFORD COUNTY, MARYLAND that, upon acceptance of the
4 lease purchase agreements, acquisitions, financings, or refinancings which,
5 pursuant to Resolution of the County Council of Harford County, Maryland,
6 the County Executive of Harford County, Maryland is authorized to execute
7 and deliver such leases, purchase agreements, notes, or other form of
8 indebtedness or obligations as may be necessary to accomplish the
9 acquisition of assets pursuant to lease purchase agreements, purchase
10 agreements, financings, or refinancings described herein.

11 SECTION 14. AND BE IT FURTHER ENACTED BY THE COUNTY
12 COUNCIL OF HARFORD COUNTY, MARYLAND that, pursuant to Treasury
13 Regulations 1.103-18 governing the use of bond proceeds for the purpose of
14 reimbursing expenditures paid prior to the issuance of bonds, and as
15 permitted by Treasury Regulations 1.103-18(f)(1)(i), the Treasurer of Harford
16 County, Maryland is hereby duly designated to make declarations of official
17 intent on behalf of Harford County, Maryland. The Harford County, Maryland
18 expects that all or part of the expenditures will be paid prior to the issuance
19 of the lease purchase agreements, purchase agreements, financings, or
20 refinancings described in this Ordinance, and, to the extent such payments
21 are made by Harford County, Maryland, proceeds of the foregoing obligations

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1 will be used to reimburse Harford County, Maryland for expenditures paid
2 prior to the issuance of the financing or obligation. Harford County, Maryland
3 reasonably expects to reimburse a portion of the expenditures for the Projects
4 with proceeds of the obligations or financings, in the maximum principal
5 amount of Seven Hundred Thousand Dollars (\$700,000), and this Ordinance,
6 and as required by Treasury Regulation 1.103-18(f)(3), the Declaration of
7 Official Intent shall be available for public inspection at the offices of Harford
8 County, Maryland during regular business hours and in accordance with the
9 laws of the State of Maryland and Harford County, Maryland regarding access
10 to public records.

11 SECTION 15. AND BE IT FURTHER ENACTED BY THE COUNTY
12 COUNCIL OF HARFORD COUNTY, MARYLAND, that upon resolution adopted
13 by the County Council of Harford County, Maryland, adopted subsequent to
14 the effective date of this Ordinance, all or a portion of the indebtedness
15 authorized herein may be incurred upon the full faith and credit and unlimited
16 taxing power of Harford County, Maryland. All other payments pursuant to
17 the Documents shall be subject, in each fiscal year, to the appropriation of
18 funds to make such payments as required or permitted by the Charter or
19 Code.

20 SECTION ~~15~~ 16. AND BE IT FURTHER ENACTED BY THE COUNTY
21 COUNCIL OF HARFORD COUNTY, MARYLAND that the provisions of this

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Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, as if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted therefrom.

SECTION 17. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND that this Ordinance shall take effect sixty (60) calendar days from the date it becomes law.

EFFECTIVE: August 21, 1992

The Secretary of the Council does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.

Secretary

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SCHEDULE A

Estimated Principal Amount

Computer Systems for Libraries	\$1,500,000
Computers and Printers	125,108
Copiers	67,074
Automobiles (5), Pick-Up-Trucks (2) and Van (1)	546,328
Telephone System, Sheriff's Office	20,000
Telephone System, State's Attorney's Office	13,000

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SCHEDULE B

Estimated Principal Amount

Buses	\$864,000
Replacement Furniture	235,500

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SCHEDULE C

Estimated Principal Amount

Computer Equipment	\$750,000
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SCHEDULE D

Estimated Principal Amount

1		
2		
3		
4		
5		
6	4 Dump Truck	\$243,000
7		
8	1 Gradall	120,000
9		
10	1 Roller	46,000

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SCHEDULE E

Estimated Principal Amount

1		
2		
3		
4		
5		
6		
7	Hard Disk Drive	\$ 2,000
8		
9	Copier	5,780
10		
11	Fax Machine	1,230
12		
13	Vehicles	361,000
14		
15	Storage Shed	5,000
16		
17	Lawn Mowers	4,200

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SCHEDULE F

Estimated Principal Amount

Hexagram Project

\$600,000

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BY THE COUNCIL

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Read the third time.

Passed: LSD 92-19 (June 16, 1992)

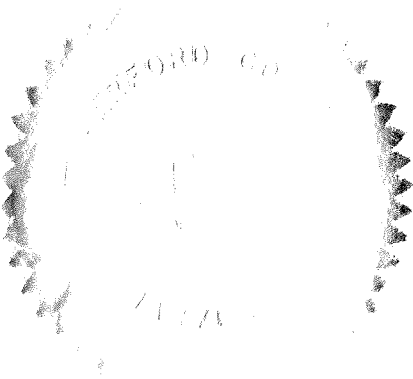
Failed of Passage: _____

By Order

Doris Paulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for her approval this 17th day of June,

1992 at 3:00 o'clock P.M.



Doris Paulsen, Secretary

BY THE EXECUTIVE

Gilda M. Beltraman
COUNTY EXECUTIVE

APPROVED:

Date June 22, 1992

BY THE COUNCIL

This Bill, (No. 92-47 As Amended), having been approved by the
County Executive and returned to the Council, becomes law on
June 22, 1992.

Doris Paulsen, Secretary
EFFECTIVE DATE: August 21, 1992